

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

WALTERS GARDENS, INC.

Opposer,

v.

PRIDE OF PLACE PLANTS, INC.

Applicant.

Opposition No. 91153755

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**APPLICANT'S REPLY TO
OPPOSER'S OPPOSITION TO
APPLICANT'S MOTION FOR
SUSPENSION OF PROCEEDINGS
AND REQUEST FOR EMERGENCY
TELEPHONE HEARING**

In response to Opposer Walters Gardens, Inc. opposition to Applicant Pride of Place Plants, Inc.'s ("PoPP") Motion to Suspend proceedings and request for emergency telephone hearing, PoPP corrects its earlier statement that Mr. Rick Sorensen informed counsel for PoPP of his illness on October 6, 2004. PoPP inadvertently indicated that Mr. Sorensen so informed counsel for PoPP on this date, when in fact counsel for PoPP did not receive Mr. Sorensen's message until late in the day on October 11, 2004.

In addition, PoPP's counsel did not receive Mr. Sorensen's message until after confirming the date of Mr. Sorensen's testimonial deposition with Opposer's counsel. Immediately after receiving Mr. Sorensen's message, PoPP's counsel contacted Opposer's counsel to inform him that the testimonial deposition would be cancelled. Accordingly, Opposer's statement in its opposition that PoPP's counsel continued to mislead Opposer's counsel regarding Mr. Sorensen's testimonial deposition is incorrect.

Further, despite Opposer's apparent willingness to travel to Mr. Sorensen for the testimonial deposition, Mr. Sorensen's poor health prevents him from attending any testimonial deposition, regardless of the location. Mr. Sorensen is extremely ill and unfit to give coherent testimony, as indicated by the Declaration of Jean Sorensen in support of Applicant's motion to suspend proceedings, attached to this reply as Exhibit 1. Accordingly, Mr. Sorensen is incapable



11-09-2004

of attending a testimonial deposition at this time, regardless of Opposer's willingness to travel to him.

Suspension of these proceedings is necessary to allow Mr. Sorensen the necessary time to recover.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

Date 11/4/2004

By Gary J. Nelson

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GJN/ksg

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TRADEMARK
Docket No. 110.2*1/GJN/P622

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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WALTERS GARDENS, INC.

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v.

PRIDE OF PLACE PLANTS, INC.

Applicant.

Opposition No. 91153755

DECLARATION OF JEAN SORENSEN IN
SUPPORT OF APPLICANT'S MOTION TO
SUSPEND PROCEEDINGS AND
REQUEST FOR EMERGENCY
TELEPHONE HEARING

I, Jean Sorensen, declare and state as follows:

1. I am the wife of Rick Sorensen, owner of Applicant, Pride of Place Plants, Inc. I make this declaration of my personal knowledge, and if called as a witness, could and would testify competently to each of the following facts.

2. Rick Sorensen has been diagnosed, by Dr. Wolfgang Wetzter, with a serious autoimmune disorder. Dr. Wetzter has indicated that, due to this illness, Rick Sorensen is unfit to travel.

3. I have been caring for Rick Sorensen ever since Dr. Wetzter diagnosed him with an autoimmune disorder. In caring for Rick Sorensen, I have observed his behavior and his health. Since being diagnosed, Rick Sorensen has been very weak and his health has been visibly very poor. He has remained in bed for the majority of the time since being diagnosed, and experiences great trouble carrying on normal activities, such as talking on the telephone. In

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my opinion, Rick Sorensen is not sufficiently coherent to be subjected to a testimonial deposition.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this Declaration is executed this Wednesday, November 03, 2004, in British Colombia, Canada.



Jean Sorensen

LES/les

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CERTIFICATE OF MAILING AND SERVICE

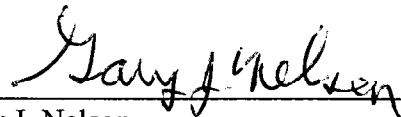
I certify that on November 3, 2004, the foregoing **APPLICANT'S REPLY TO OPPOSER'S OPPOSITION TO APPLICANT'S MOTION FOR SUSPENSION OF PROCEEDINGS AND REQUEST FOR EMERGENCY TELEPHONE HEARING** is being deposited with the United States Postal Service by first-class mail addressed to:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

It is further certified that on November 3, 2004, the foregoing **APPLICANT'S REPLY TO OPPOSER'S OPPOSITION TO APPLICANT'S MOTION FOR SUSPENSION OF PROCEEDINGS AND REQUEST FOR EMERGENCY TELEPHONE HEARING** is being served by mailing a copy thereof by first-class mail addressed to:

Barry C. Kane, Esq.
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